

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                       |   |                   |
|-----------------------|---|-------------------|
| A.D. ARMSTRONG,       | : |                   |
|                       | : | NO. 1:12-CV-00132 |
| Plaintiff,            | : |                   |
|                       | : |                   |
|                       | : |                   |
| v.                    | : | <b>ORDER</b>      |
|                       | : |                   |
|                       | : |                   |
| TIM BRUNSMAN, et al., | : |                   |
|                       | : |                   |
| Defendants.           | : |                   |

This matter is before the Court on the Magistrate Judge's Report and Recommendation, (doc. 25), to which no objections were filed. In her Report and Recommendation, the Magistrate Judge recommends that Plaintiff's Motion to Dismiss Parties (doc. 19) be granted pursuant to Federal Rule of Civil Procedure 41(a). No objections were filed to that Report and Recommendation.

Also before the Court is a document that Plaintiff styled as a "Motion to Appeals Court" (doc. 34), which the Court construes as Plaintiff's objections to the Magistrate Judge's Order of July 10, 2012 (doc. 27). In that Order, the Magistrate Judge ordered that Defendants be served; that Plaintiff's motion for the appointment of counsel be denied (doc. 22); and that Plaintiff's "Motion for Forms" be denied (doc. 24). In addition, the Magistrate Judge advised Plaintiff that the Court would take no further action on the letters submitted by Plaintiff to the Court and informed Plaintiff that, notwithstanding his pro se status, he

was still required to prosecute his case in accordance with the Local Rules and the Federal Rules of Civil Procedure.

Plaintiff filed a document (doc. 34) that he styled as a "Motion to Appeals Court," which, given the content, the Court construes as objections to the Magistrate Judge's Order (doc. 27). In this motion, Plaintiff asks the Court to send him paperwork that he claims he needs in order to appeal and to add to his complaint a denial of medical care for a burn he alleges he got from his cell catching on fire; to give him the forms he needs to serve Defendants; to assign him an attorney because the law library allegedly does not have the paperwork he needs. He also states that he needs a restraining order against the prison staff, that they are harassing him and trying to provoke him into a confrontation, and he requests a jury trial so "all 30 of [his] witnesses" can be heard on the stand and so that the media can be present to publicize his case.

As required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the analysis of the Magistrate Judge and considered de novo all of the filings in this matter. Upon thorough consideration of the foregoing, the Court finds Plaintiff's objections to the Magistrate Judge's Order unresponsive and unpersuasive. The issues he raises therein are not proper objections to the Order and are merely an attempt to rehash issues already decided. Consequently, the Court ADOPTS and

AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 25) in its entirety. The Court therefore GRANTS Plaintiff's motion to dismiss certain parties (doc. 19). Defendants Bell, Cane and Gantt are therefore DISMISSED from this action. In addition, the Court AFFIRMS and ADOPTS the Magistrate Judge's Order of July 10, 2012 in its entirety (doc. 27) and DENIES Plaintiff's objections thereto (doc. 34).

SO ORDERED.

Dated: August 21, 2012

s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge